

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

COMMODITY FUTURES TRADING)	
COMMISSION,)	
)	
Plaintiff,)	4:04CV3184
)	
v.)	
)	
COMMERCIAL HEDGE SERVICES,)	MEMORANDUM AND ORDER
PRIME TRADING, LAWRENCE)	
JOSEPH VOLF, SHERMAN COUNTY)	
BANK, SHERMAN COUNTY)	
MANAGEMENT, INC., and PT)	
HOLDINGS, INC.,)	
)	
Defendants.)	
)	

A telephonic conference with counsel was held March 28, 2006 pursuant to Fed. R. Civ. P. 16. Counsel reported to the court on the status of the case and discussed the next steps necessary to move it forward to trial. The defendants reported having some difficulty obtaining information from plaintiff with respect to the actual, that is, specific trades that the Commission is contending were speculative, unauthorized, or in any way violative of the Commodity Exchange Act and/or regulations. Defendants claim entitlement to additional information, and if that is not practicable, to an expeditious disclosure of plaintiff's principal expert witness to enable them to discern the exact parameters of plaintiff's claims. Plaintiff responded that the Commission's position is not to cause undue difficulty, and agreed to make an expert disclosure within sixty days, which, because of the status of discovery, may have to be partially amended or supplemented after that time, but will at least disclose to defendants the plaintiff's factual theories and contentions about the case. In addition, plaintiff's counsel agreed to make the witness, James Lammle, available for

deposition by defendants' counsel within 90 days. Once that is done, another conference will be held for the purpose of setting deadlines for the disclosure of defendants' expert witnesses, final discovery, and setting the matter for trial. Meanwhile, if it develops that defendants will file a motion to compel discovery to obtain additional information, counsel agreed to confer in accordance with NECivR 7.1(i) to reach compromise, but if that is not successful, defendants will file their motion to compel as soon as possible after that conference. Trial is now tentatively contemplated to be held in January, 2007.

IT THEREFORE HEREBY IS ORDERED:

1. Plaintiff shall make its expert witness disclosures, at least as to principal expert James Lammle, within sixty days, and shall make him available for deposition within ninety days of the date of this order.

2. Counsel shall, as soon as possible, confer further regarding discovery disagreements, and if a motion to compel must be filed, counsel shall file same as soon as practicable after their conference.

3. Another telephonic conference with counsel shall be held on July 31, 2006, at 1:30 central time, pursuant to Fed. R. Civ. P. 16. Plaintiff's counsel shall place the call.

DATED this 30th day of March, 2006.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge